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DEPARTMENT FOR EAP/MTS
USUN FOR RICHARD MCCURRY
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SUBJECT: EX INTERIOR MINISTER LOBATO FOUND GUILTY, FOR NOW

CLASSIFIED BY: Stanley Harsha, Charge d'Affaires, US Embassy
Dili, Department of State.
REASON: 1.4 (b), (d)

¶1. (U) Summary: A Dili District Court on March 7 sentenced former Interior Minister Rogerio Lobato to seven and a half years in prison on murder and weapons charges. His co-defendants, Francisco Salsinha, Francisco Xavier Viegas, and Marcos Piedade, each received a four month suspended sentence. Lobato's lawyers immediately announced they would appeal and the commencement of the sentence will await an Appellate Court decision. Reaction from a variety of East Timorese contacts has been muted, and we have so far observed no significant public reaction or renewed unrest. End Summary.

¶2. (U) A Dili District Court panel comprised of Portuguese, Brazilian, and East Timorese judges on March 7 found Lobato guilty of a wide variety of offenses, including conspiracy, four counts of murder, misappropriation of public property, and the unauthorized importation or use of firearms to disrupt public order. The verdict was read in Portuguese and simultaneously translated into Tetum Those who attended the proceedings included former Prime Minister Mari Alkatiri, Finance Minister Maria Boavida, and Minister for Natural Resources Jose Teixeira.

Neither current Prime Minister Jose Ramos-Horta nor President Xanana Gusmao attended the court session. (Embassy Dili is working to obtain a translated copy of the verdict and will report on the charges in further detail Septel.) Lobato had been indicted on one count of misuse of state property and funds, eighteen counts of murder, and eleven counts of attempted murder—all charges associated with his providing arms to civilians. The total sentence of seven and a half years suggests that the panel of judges cleared Lobato of many of the charges, and/or gave him the minimum sentences for some of them.

His sentence will not begin pending appeal, but if the decision is upheld he will be remanded to Dili's Becora prison.

¶3. (C) Reaction from political figures has so far been muted, and Lobato himself did not visibly react to the verdict, possibly because he may have been expecting it. Fretilin party contacts in the days before the trial told the Embassy that they anticipated Lobato might receive a six-year sentence. Alkatiri

left the courtroom quickly without giving any press interviews. The lead lawyer for dissident military leader Alfredo Reinado, told the CDA via phone that he thought the verdict indicated "a little justice," but suggested that politicization could scupper the appeals process. Mariano Sabino, Secretary General of the opposition Democrat Party, agreed that the Appeals Court was likely to be politicized, and said he was convinced that Alkatiri and the Council of Ministers knew of Lobato's actions and therefore should also face justice.

¶4. (C) Comment: We share the concerns about the appeals process and think a reduction or overturning of Lobato's sentence is entirely possible. In the short-term however, this finding of guilt, especially if Lobato is already focused on the appeals process, may serve to calm some of the ongoing civil unrest. It could also contribute to a negotiated settlement between the Government of East Timor and Reinado.

¶5. (U) Recommended Press Guidance:

- This verdict is a good first step in the judicial process.
- We urge the Government of East Timor to implement all of the recommendations of the Commission of Inquiry.
- We hope that all parties in East Timor accept the decision and act with restraint.
- We hope that this decision provides an example that Timorese can rely on the justice system to peacefully address grievances.
- It is important that the Government of East Timor continue to develop the justice system as a strong and effective mechanism for enforcing rule of law.

HARSHA